

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Alonzo Austin, Executor for
RUTH H. LEWIS, Estate
Plaintiff(s)

DEBRA R. HAGGETT CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

VS.

MODERN WOODMEN OF AMERICA) CIVIL ACTION NO.
et.al,) 3:07-CV-138-MHT-WC

Defendant(s),

Motion for Summary Judgement by Plaintiff(s) in
response to, Motion to DISMISS by Defendant(s)

Plaintiff(s) pursuant to RULE 56 of the federal Rules
of Civil Procedures, Moves the Court to enter
Summary Judgement for the Plaintiff(s) on the
grounds that there is no genuine issue as to
any material fact, and the Plaintiff(s) is entitled
to judgement as a matter of Law.

In support of this motion, Plaintiff(s) refers
to the record in this action, including the
Complaint, the answer to it and Plaintiff(s) Attached
Affidavit and Exhibits "A" and "B"

George Austin, pro se
by Alonzo Austin, Pro Se
ALONZO AUSTIN

Address: 1321 River-Carlis Rd., Tuskegee, AL 36083, Ph# (334) 727-5471

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

Alonzo Austin, Executor, for)

RUTH H. LEWIS, Estate)

Plaintiff(s))

VS.)

MODERN WOODMEN OF AMERICA)

et.al.,)

Defendant(s),)

CIVIL ACTION NO

3:07-CV-138-MHT-WC

Affidavit in Support of Motion for Summary Judgment

STATE OF ALABAMA; ss.

COUNTY OF MACON;

Alonzo Austin, who, being first duly sworn,
deposes and says:

I am Alonzo Austin, and have personal knowledge
of the facts set forth.

This affidavit is submitted in support of the
Plaintiff(s) Motion for Summary Judgment, for
the purpose of showing that there is in this
action no genuine issue as to any material fact,
and that the Plaintiff(s) is entitled to
judgment as a matter of law.

AS ISSUE IS CONSTITUTIONAL IN NATURE.

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2. That on February 2, 1993 Plaintiff(S),
Principal, RUTH H. LEWIS, and Agent ALONZO
Austin, entered into the arena of (Law of
Agency) ~~With a Durable General Power of Attorney~~,
3. on March 3, 1993, Plaintiff(S), attempted
to Certify Same in the Probate Judges. Office
With Probate Judge ALFONZA MENEFEE,
Who refused to Certify Said Documents,
in question, claiming instead that M.S. LEWIS
Needed to be Protected from people, like me,
and that She was not clear and he would
begin Proceeding in a few weeks, to take
care of her, and that I may as well take
up that piece of Paper referring to the
Durable General Power of Attorney, prepared
by the Honorable ALBERT C. BULLS III.
4. That on March 18, 1993, Probate Court records
reflect that true to his threat Probate
Court Judge ALFONZA MENEFEE, OF MACON
County, ALABAMA commenced Proceeding
With ATTORNEY: Deborah Hill BIGGER, Juanita
K. Upshaw with Agent for AETNA, George H. Clay
Causing a fraudulent Bond to Issue against
the (Law of Agency) Bond # 58572798 with
Western Surety Company, Joe KIRBY, president,
On 4th Date of June 1993.

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5. George H. Clay, was Plaintiff(s),
insurance Agent, Providing Coverage on
Plaintiff(s), Vehicles, including A 1992
buick Skylark GS, Policy # 2015029739871 PED.

6. On April 92 1993, Juanita K. Upshaw, was
Added to my Policy as your record indicated.
Ms. Upshaw was a Listed Driver, and
She lived 2 door up from Ms. Lewis, The
Principal, her aunt, and Agent, Lived
across town approximately 8 to 10 miles.

7. THE Plaintiff(s), later discovered that
Ms. Juanita K. Upshaw, had Filed a petition
For Guardianship and Conservatorship over ~~the~~ Principal
Lewis, in an attempt to declare Principal
Lewis, a ward of the state of Alabama.

8. THE Discovery was made when the
Macon County Sheriff, served Principal
Lewis, with a Summons with Juanita K.
Upshaw, as Petitioner, and ATTORNEY Deborah
Hill Biggers, as Legal Counsel.

9. THE FRAUDULENT Bond exerted by George H. Clay
Supported Juanita K. Upshaw, and enabled her
to Violate the Laws of ALABAMA, with Mr. Clay's
blessing!!

10. On June 6, 1993 Progate Judge Menefee VOID
Principal's, Durable Power of Attorney Prepared by

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The Honorable ALBERT C BULLS III
thus ordering Plaintiff(s) to Convey TITLE
of 92 Buick Skylark GS. back to RUTH H. LEWIS
Along with all Documents, keys, Property of all kinds
and to refrain from any contact with Principal
12. This Fraudulent Bond, executed by Aetna's
Agent GEORGE H. CLAY, was used by Mr. Clay,
ALFONZA MENEFEE, Dr. Robert Story, Deborah
HILL BIGGERS, Robert Davis, of ALABAMA
Exchange Bank, FRED GRAY SR, Juanita
R. Upshaw, ALLEN Nathanson, Sheriff of
Macom County, Tuskegee City Police,
South trust Bank Official, The Utilities
Board of Tuskegee, People's Funeral Home, MASON
MANOR OF Montgomery, Montgomery City Police,
AETNA Insurance Co., ALABAMA STATE
BOARD OF LICENSURE, MODERN WOOD MEN OF AMERICA,
RAY IVEY STATE TREASURER'S OFFICE

Judge! Howard F. BRYAN & Regions Bank to
Convey Property of Plaintiff(s) (under Color of State Law)
in Violation of 42 U.S.C. §1983 including 92, buick
Skylark GS. See Attached Fraudulent title, Exhibit "A"
ALL SO See Exhibit "B" Where Defendant(s) Allowed
Juanita K. Upshaw, to Drive my Vehicle With out
Proper Legal Title and INSURANCE From 9/93
TIL 5/96 Outrageous, GEORGE H. CLAY'S

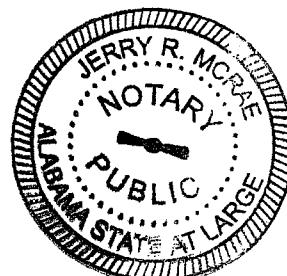
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Fraudulent Bond executed for JUANITA K. UPSHAW
is the Main Artery that Gave life to
this so called Guardianship Conservatorship
That deprived the Legal and VALID
(Law of Agency) That existed From 2/2/93 till
11/26/94. ~~fall of its Federally Protected Guaranteed~~
Constitutional CIVILS RIGHTS. under 42 USC, § 1983

Alonzo Austin, pro se
by Alonzo Austin, pro se

Jerry R. McRae, Notary

Com. Expires 2-28-09



000049



STATE OF
ALABAMA
DEPARTMENT OF REVENUE

CERTIFICATE OF TITLE FOR A VEHICLE

TITLE NO.
16422187VEHICLE IDENTIFICATION NUMBER
1G4NM14N0NC620001

TRANS. CODE

DATE ISSUED

YR. MODEL

92

MODEL

05/24/94

MAKE

BUICK

SKYLARK

BODY TYPE

PREV AL TITLE NO.

CYL NEW USED DEMO PURCHASE DATE

02/02/92

NO. LIENS

COLOR

ODOMETER

NAME(S) AND MAILING ADDRESS OF OWNER(S)

UPSHAW JUANITA GDN OF
RUTH LEWIS IN

P. O. BOX 275

TUSKEGEE AL 36087

RESIDENT ADDRESS IF DIFFERENT

1305 MLK W

TUSKEGEE

AL 36083

MAIL TO
UPSHAW JUANITA GDN OF
P. O. BOX 275
TUSKEGEE AL 36087

LEGEND(S)

RELEASE OF LIEN

The holder of Lien on the vehicle described
in this Certificate does hereby state that the
lien described in said Certificate of Title is
released and discharged.

First Liensholder

By _____
Signature of Authorized Agent

Date _____

Second Liensholder

By _____
Signature of Authorized Agent

Date _____

CONTROL NUMBER

15690275

This certificate serves as an official document of the Department of Revenue and prima facie evidence that an application for certificate of title has been made for the vehicle described herein, pursuant to the provisions of the Motor Vehicle laws of this state, and the applicant named on the face hereof has been duly recorded as the lawful owner of the vehicle so described. Further, the said vehicle is subject to the security interest by lessor(s) shown herein, if any. But, said described vehicle may be subject to a mechanic's lien or a lien given by statute to the United States, this State or any political subdivision of this State or other encumbrance not required to be filed with this Department.

COMMISSIONER OF REVENUE

KEEP IN A SAFE PLACE — ANY ALTERATION OR ERASURE VOIDS THIS TITLE

AMERICAN BANK NOTE COMPANY

CIRCUIT CLERK
JULY 1 PM

CV-94-34

Gray Aggravated
of which is looking into this matter
of which is up to the D.A. to determine if there is a violation of the law.

Vehicle of Jerry Carter, Jr.

TO:

Mr. Alonso Austin

P.O. Box 365

Tuskegee, Al. 36083

EXHIBIT B

EXHIBIT B

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CLAY & ASSOCIATES, INC
General Insurance Agency
120 SOUTH MAIN ST. - P. O. BOX 299
TUSKEGEE, AL 36083

Phone: 727-6210

SUBJECT: Pol. # 2015029739871

DATE:

5-31-94

Mr. Austin,

Enclosed is a copy of the letter that we received from Acton concerning Non-renewal of your policy.

Even though, Mrs. Upshaw is not listed as a driver the policy will not be renewed because Mrs. Upshaw still has possession of the vehicle.

Kris

CERTIFICATE OF SERVICE

I do hereby certify that I have this day
Served A copy of the foregoing Document
Upon.

Slate Kennedy LLC
P.O. Box 388
Montgomery, AL 36101

AETNA

by depositing same in the U.S. mail,
postage prepaid on this 9th day of April 2007

Alonzo Austin, Pro Se
by, Alonzo Austin, Pro Se
ALONZO AUSTIN
1321 RiverCarle Rd.
Tuscaloosa, Al. 36083
Ph#(334) 727-5476